



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

MEH:ddj
Docket No: 3678-00
8 August 2000

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 8 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum of 28 June 2000, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

28 Jun 00

MEMORANDUM FOR EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS (BCNR)

Via: Assistant for BCNR Matters (PERS-00ZCB)

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

Ref: (a) BCNR Pay memo of 7 Jun 00
(b) DoD Financial Management Regulation (Vol 7B)

Encl: (1) Survivor Benefit Plan (SBP) Termination Request
(DD Form 2656-2)

1. Per reference (a), recommend the BCNR not correct LCDR Steiner's record to reflect that he erroneously enrolled in the Reserve Component-Supplemental Survivor Benefit Plan (RC-SSBP).

2. The recommendation is based on the following:

a. [REDACTED] transferred to the Retired List (with pay) on 24 April 2000. His effective RC-SSBP enrollment with was 10 April 1994.

b. Per reference (b), the decision to voluntarily participate or decline SBP is irrevocable.

c. [REDACTED] spouse was covered under Supplemental Survivor Benefit Plan (RC-SSBP) while he was in a non-pay status. The RC-SSBP premiums he is currently paying are for such coverage.

3. [REDACTED] as mailed a Notice of Eligibility (NOE) prior to transferring to the Retired List (without pay). The information provided in the NOE package clearly explains the irrevocability of the option selected as it pertains to RC-SBP, which becomes SBP when the reservist begins receiving retired pay. Disenrollment in SBP may take place only when there is no eligible beneficiary due to death or divorce, or the

Subj: COMMENTS AND RECOMMENDATION ICO [REDACTED]

member may voluntarily disenroll from the program between their second and third year after commencement of receipt of retired pay. LCDR Steiner may complete and forward enclosure (1) to DFAS-CL for termination of SBP when eligible.

M. P. Wardlaw

M. P. WARDLAW
Head, Navy Retired Activities
Branch (PERS-622)